# CP- Frats- TOC

## 1NC

### 1NC- Top Level

#### Counterplan Text: Public colleges and universities in the United States ought not restrict constitutionally protected speech other than fraternity advertising, organization, or membership.

#### Fraternities are sites of rape, serious injury, and death.

**Flanagan 14** (Caitlin, the Atlantic, citing Douglas Fierberg, attorney specializing in fraternity-related litigation, “The Dark Power of Fraternities”, http://www.theatlantic.com/magazine/archive/2014/03/the-dark-power-of-fraternities/357580/)

“Until proven otherwise,” Fierberg told me in April of fraternities, “they all are very risky organizations for young people to be involved in.” He maintains that fraternities “are part of an industry that has tremendous risk and a tremendous history of rape, serious injury, and death, and the vast majority share common risk-management policies that are fundamentally flawed. Most of them are awash in alcohol. And most if not all of them are bereft of any meaningful adult supervision.” As for the risk-management policies themselves: “They are primarily designed to take the nationals’ fingerprints off the injury and deaths, and I don’t believe that they offer any meaningful provisions.” The fraternity system, he argues, is “the largest industry in this country directly involved in the provision of alcohol to underage people.” The crisis-management plans reveal that in “the foreseeable future” there may be “the death or serious injury” of a healthy young person at a fraternity function.

#### Ban on campus fraternities solves – even banning fraternity advertising alone is good

**Ryan 14** (Julia, The Atlantic, “How Colleges Could Get Rid of Fraternities”, http://www.theatlantic.com/education/archive/2014/03/how-colleges-could-get-rid-of-fraternities/284176/)

Perhaps the most obvious way to end fraternities is for universities to simply remove Greek life from their campuses. “It’s not even really a turf war anymore between universities and Greek groups because it’s as as if universities have given up,” Alexandra Robbins, author of Pledged: The Secret Life of Sororities, said in an interview. “If higher education really wanted to get rid of Greek groups, they could. All universities would have to do is put their foot down, but they don’t.” Universities could say no Greek groups or events on campus and prohibit advertising for Greek life on campus. Elizabeth A. Armstrong, a sociologist at University of Michigan and co-author of Paying for the Party, suggested universities could quell the power of Greek life just by treating fraternities like other clubs: “[One method] would be to say okay you are not so special. You do not get the special attention of the dean. We are going to actually allow other student groups on campus equal power,” she said. “We are going to supervise you just as much as everybody else.”

#### Fraternities are protected by the First Amendment's right to free speech

**Lukianoff 11** [Greg Lukianoff (President and CEO, Foundation for Individual Rights in Education), "To Survive, Fraternities Need to Stand for Something, Anything," Huffington Post, 8/1/2015]

A lot of fraternities seem to know that their freedom of association is protected by the First Amendment. (While the freedom to join and form groups is not technically listed in the text of the First Amendment, it is understood to arise from the protections of freedom of speech and the right to assembly.) What fraternities often do not know, however, is that there are several different kinds of freedom of association protected by the First Amendment, and they are not all made equal. The strongest kind of freedom of association protected by the First Amendment is the right to “intimate” association, best represented by the family. Our government recognizes that the bonds of family are particularly important and that it should do its best to avoid actions that interfere with this bond. The second strongest kind of freedom of association is called “expressive” association. Sensibly, courts understand that the right to freedom of expression would not mean a great deal if we are forbidden from joining together with like-minded individuals to amplify the power of our voices and take collective action. This understanding forms the basis of our right to form groups around commonly held beliefs whether they are religious, secular, or ideological. Everything from Mothers Against Drunk Driving to NORML is a kind of expressive association. (This includes my nonprofit, the Foundation for Individual Rights in Education, as well.)

### 1NC- NB- Binge Drinking

#### Fraternities create dangerous social situations that harm students

**Shipley 14** (1/7, David, Bloomberg, “Dean Wormer’s Favorite Editorial”, https://www.bloomberg.com/view/articles/2014-01-07/dean-wormer-s-favorite-editorial)

The next question is: How do fraternities fit into that mission? As it turns out, the fraternities that dominate so much of collegiate social life are of dubious value. University presidents and administrators don’t even have to pay expensive consultants to reach this conclusion. They can just look at the data, both statistical and anecdotal: On balance, most campuses would be better off without fraternities. Start with alcohol consumption. Although a majority of college students drink, abusive drinking is far more prevalent in fraternities. One study of 17,000 students at 140 four-year colleges found that almost 90 percent of fraternity house residents engage in binge drinking (five or more drinks at a time), compared with 45 percent for nonmembers. Binge drinking is associated with a host of ills, from neurological damage to assaults. Alcohol abuse also plays a central role in one of the most corrosive aspects of fraternities: hazing of new members in initiation rituals that are often brutal and vile. Sadly, at least one student has died in hazing episodes in each of the past 43 years. Although it’s unclear whether alcohol played a part in the death of a student at New York’s Baruch College in November -- the third hazing-related death last year -- alcohol is often involved. Hazing is illegal in 44 states, but the existing laws are largely ineffectual or treat hazing as little more than jaywalking. A federal law that made serious hazing a felony offense might help deter this underreported scourge. It might also help college administrators overcome their reluctance to enforce bans on hazing for fear of offending alumni who threaten to withhold contributions. Unfortunately, fraternities have banded together to thwart the passage of national anti-hazing legislation in the past.

## 2NC

### 2NC: Ban Key

#### Only a ban solves.

**Valenti 14** (Jessica, “Frat brothers rape 300% more. One in 5 women is sexually assaulted on campus. Should we ban frats?”, https://www.theguardian.com/commentisfree/2014/sep/24/rape-sexual-assault-ban-frats)

It’s time to talk about banning fraternities. When sociology professors Elizabeth Armstrong and Laura Hamilton conducted an intensive, landmark five-year study on college students – by living amongst, following around and interviewing students in one dorm at an anonymous Midwestern public university – they reported that two women living on their floor were sexually assaulted at fraternity parties within the first few weeks of the semester. Armstrong, who turned the results of the study into a well-received bestseller about college inequality and a paper on sexual assault, tells me that while anti-sexual violence programs are doing all the right things, they may not be doing enough. “I was just at University of Massachusetts and at Wesleyan, and they were talking about bystander intervention programs and that’s great – people should try to engage,” she said. “But what it leaves off the table are the organizations that put people at risk on campus.” Armstrong reminded me of what I hear on campus visits myself – that fraternities are hotbeds for all sorts of risk beyond sexual assault: there’s also alcoholism, alcohol poisoning, people falling out of windows and dangerous hazing incidents. She insists that frats “vary tremendously” in terms of how sexually dangerous they are – traditionally African American frats, gender-inclusive frats and multicultural frats are not as threatening as those populated by mostly-white, economically-entitled students, for example – but when you look at the overall risk fraternities create for students on campus, “reforming or preserving these organizations doesn’t make a lot of sense,” Armstrong said. And while probably not all fraternities are hunting grounds for rapists and not all men who join frats (or varsity sports teams) are predators, when so much sexual violence is centered around one area of campus life, something has to be done. For Wesleyan – home of the “rape factory” frat – school administrators decided that means mandating that women be admitted to fraternities. The school announced this week that all frats must go co-ed within the next three years. While I applaud what seems a theoretical move towards equality, I don’t much like the idea of women as a “civilizing” force for men’s bad behavior. Why try to fix something that’s irrevocably broken? Better, instead, that we take an honest look at the statistics and stories coming out of colleges and act accordingly. I realize banning frats is likely a pipe dream – the organizations are deeply embedded in college culture, they generate student programming and are supported by powerful alumni. But if we’re ready to take on college administrators, sue under Title IX, or carry mattresses on our back in protest, why not this? Why not now?

### 2NC: Competition

#### Fraternities rely on constitutionally protected speech. The resolution says public colleges ought not restrict ANY constitutionally protected speech. If we win that one instance of constitutionally protected speech should be banned, we disprove the resolution.

#### 1. Frats generally fall under the 1st amendment free speech protections- that’s Lukianoff

#### 2. Participation in social organizations is constitutionally protected as expression of opinion- which is speech

**Colloton 85** (Steven, Yale Policy and Law Review, “Freedom of Association: The Attack on Single-Sex College Social Organizations”, http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1084&context=ylpr)

Despite the Court's statement that the right of association extended to groups interested in extra-political matters, it remained unclear whether the Constitution would protect apolitical associations, including social organizations . 2 Some commentators recognized that the right of association would afford some constitutional protection to personal associations, 29 and dicta from the Supreme Court's holding in Griswold v. Connecticut validated that notion. Justice Douglas wrote: The right of "association," like the right of belief, is more than the right to attend a meeting; it includes the right to express one's attitudes or philosophies by membership in a group or by affiliation with it or by other lawful means. Association in that context is a form of expression of opinion; and while it is not expressly included in the First Amendment its existence is necessary in making the express guarantee fully meaningful.30

#### 3. Debates over the meaning of the term “speech” should err in favor of the broader interpretation. Judicial precedent proves an expansive interpretation of speech is most appropriate.

**Laws No Date** (“Supreme Court Definition of Freedom of Speech”, http://constitution.laws.com/the-supreme-court/speech)

The recent judicial history of the Supreme Court has seen a broad definition held of the right to freedom of speech, as it is granted to Americans by the First Amendment. One of the basic issues raised by this principle is the question of when it may infringe on other considerations, such as the ability of communities to enforce standards which they find acceptable, groups and individuals to protect themselves against violence, and prominent figures to be free of slander and libel.

#### 4. Even if frats themselves aren’t speech- there are several related activities that are- that we ban that also prove our solvency

#### A. Frat dues- Money is speech according to certain types of legal precedent

**McGinnis 16** (John, LA Times, “Op-Ed Liberals are dangerously wrong about Citizens United: Money is speech”, http://www.latimes.com/opinion/op-ed/la-oe-mcginnis-money-speech-liberals-20160522-snap-htmlstory.html)

Consider how the Roberts court has treated the mantra beloved of reformers who want paid political communications curbed at election time: “Money is not speech.” Outside campaign regulation, the Supreme Court’s 1st Amendment jurisprudence has banned any restrictions of expenditures that pay for expression. A government-imposed limit on, say, the amount of money a newspaper could spend for investigative reporters would be obviously unconstitutional. Why, then, should money spent on political campaigns be any different?

#### B. Fraternity advertising- this is speech- bans on fraternity advertising are likely to reduce membership in Greek life organizations. Any risk that advertising bans do some good is a reason to vote neg since there’s no offense for why they are bad.

### AT: Perm Do Both

#### Perm do both is incoherent. It can’t simultaneously be true that public colleges shouldn’t ban ANY constitutionally protected speech AND that colleges should ban fraternity organization, participation, and advertising.

### AT: Perm Do CP

#### Perm do the CP severs out of the word ANY in the resolution. If the AFF doesn’t win public colleges shouldn’t ban ANY form of constitutionally protected speech they haven’t justified the resolution- vote negative